



Accessibility for Ontarians with Disabilities Act and Customer Service Standard

ARCH Disability Law Centre

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Accessibility for Ontarians with Disabilities Act (AODA)

- AODA became law in 2005
- Purpose of AODA = achieve accessibility for Ontarians with disabilities in goods, services, facilities, accommodation, employment and buildings by Jan. 1, 2025
- AODA allows government to develop **accessibility standards**

Accessibility Standards

- Accessibility standards set out steps to identify and remove existing barriers to accessibility and to prevent creation of new barriers
- Accessibility standards require persons/organizations to take those steps within specified period of time

Accessibility Standards

- Accessibility standards become regulations under AODA
- **Accessibility Standards for Customer Service (CSS)** was first and accessibility standard to become law

Who does the CSS Apply to?

- Designated public sector organizations
 - Legal Aid Ontario
 - Ontario government ministries: ODSP and OW offices
 - Many boards, commissions, agencies: LTB, SBT, HRTO, OHRC etc.
 - School boards, hospitals, public transportation in Ontario

Who does the CSS Apply to?

- Every other person or organization in Ontario that provides goods or services to the public or third parties and has at least 1 employee
 - Stores, restaurants, hotels, bars
 - Police, ambulance, fire department
 - Professionals: doctors, accountants, lawyers, etc.
 - Legal aid clinics

CSS Requirements: Policies

- Establish policies, practices, procedures on **providing goods and services** to people with disabilities
- Policies, practices, procedures should ensure that goods and services are provided in a manner that is consistent with principles of dignity, independence, integration of services, equality of opportunity
- Policy, practices, procedures must address the use of assistive devices (symbol board, magnifier, computer, walker etc)

CSS Requirements: Policies

- Communicate with people with disabilities in a way that takes into account their disability
- Organizations with at least 20 employees must prepare policy documents and make these available to public on request

CSS Requirements: Policies

EXAMPLES

➤ **Example:** Some people with low vision use magnification devices called monoculars to see large screens or other things at a distance. At a movie theatre that prohibits recording devices, a staff person might assume the monocular is a recording device and restrict a person from using one. A policy could address this.

CSS Requirements: Policies

EXAMPLES

➤ **Example:** A client with an intellectual disability or a disability that affects her memory has a difficult time remembering details such as dates, times and tasks that need to be completed. The clinic may need to set up a system to remind that client of her appointment and the case worker may need to provide the client with a written “to do” list that is given to or emailed to the client at the end of each appointment.

CSS Requirements: Service Animals, Support Persons

- Allow service animals to enter the premises and accompany person with a disability
- Allow support persons to enter the premises and assist person with a disability
- If person with a disability is required to pay entrance fee, organization must provide advance notice of amount payable for the support person

CSS Requirements: Service Animals, Support Persons

- Organizations with at least 20 employees must prepare documents describing policies, practices and procedures regarding service animals and support persons and make these available to public on request

CSS Requirements: Service Animals, Support Persons

➤ What is a “Service Animal”? If it is readily apparent that the person with a disability uses the animal for reasons related to the disability then the animal is a “service animal” or if the person presents a note from a doctor or nurse which states that the person needs an animal for reasons related to the disability

CSS Requirements: Service Animals, Support Persons

Example: A person with a disability comes to your clinic for an appointment along with her support person. Before discussing confidential information in front of the support person, seek the consent of the person with a disability. Make sure you are talking to the client who is the person with the disability and not the support person. Make sure you are getting instructions from the client and not the support person.

CSS Requirements: Service Animals, Support Persons EXAMPLES

➤ **Example:** A client who uses a Bliss or symbol board comes to your clinic with a support person who vocalizes the words and symbols as the client indicates them on the board. Make sure you are looking at and addressing your client and not the support person. Although this takes time and patience, make sure you let the person communicate at their speed –do not assume you know what they are going to say and complete the sentence or word for them.

CSS Requirements: Service Animals, Support Persons EXAMPLES

➤ **Example:** A client comes to your office with a support person who explains what you are saying to the client so that the client can understand the information and what decisions he has to make. Through this support the client is insured that his capacity to make decisions for himself is protected. The caseworker must insure she is taking instructions from the client and not the support person. This may require patience and time.

CSS Requirements: Notice of Service Disruption

- Organization must give notice when facilities or services that people with disabilities rely on to access goods, services are disrupted
- Notice of disruption must include reason, anticipated duration, description of alternative facilities, services
- Organizations with at least 20 employees must prepare documents to describe the process for providing notice of the disruption and make these available to public on request

CSS Requirements: Notice of Service Disruption

EXAMPLES

➤ **Example:** Your clinic is closing during a Training Conference. You should post a notice on your website, on your door and change your outgoing phone message. The notice should indicate where other help can be obtained. If you have current clients who may need to be notified in other ways to meet their disability needs, their needs must be considered.

CSS Requirements: Training

- Organizations must train employees, agents, volunteers and others who deal with the public or other third parties on behalf of the organization
- Training must be provided on on-going basis

CSS Requirements: Training

- Training must include:
 - purpose of AODA and requirements of CSS
 - how to interact and communicate with people with various disabilities
 - how to interact with people who use service animals, assistive devices or are accompanied by support person
 - what to do if a person with disability has trouble accessing your services

CSS Requirements: Feedback

- Organizations must establish a process for receiving and responding to feedback about the way it provides goods, services to people with disabilities
- Information about feedback process must be readily available to public
- Process must allow people to provide feedback in person, by telephone, in writing, by email or on diskette
- Process must specify actions the organization will take if a complaint is received

When must Organizations Comply?

- Designated public sector organizations were to have complied by January 1, 2010 (ODSP and OW office, SBT, LTB, Legal Aid Ontario etc.)

- All other persons or organizations to whom the CSS applies must comply by January 1, 2012 (Legal clinics)

When must Legal Clinics Comply?

- Legal clinics must comply by Jan. 1, 2012
- ARCH has taken steps to comply with the Customer Service Standard and encourages legal clinics to comply as soon as possible
- Compliance may help legal clinics to become more accessible and better serve our clients with disabilities

AODA, CSS and Other Laws

- Common misconception: organizations that only have to comply with CSS in 2012 do not have any obligations to persons with disabilities until then

- In fact, AODA states that nothing in it or the accessibility standards diminishes the legal obligations imposed by other laws

AODA, CSS and Other Laws

- Despite requirements of the CSS, organizations must ensure they comply with all existing legal obligations, including those imposed by Ont's Human Rights Code

- Compliance with CSS does not prevent person with disability from filing a human rights application

How can CSS be used to advocate for clinic clients?

➤ No individual redress under AODA, CSS:

No individual complaint mechanism when persons, business or organizations fail to comply

No mechanisms to challenge Ministry decision that person, business or org has complied

➤ Individuals can request copies of policies, procedures, training materials etc from those organizations that are required to document (20 employees or more)

How can CSS be used to advocate for clinic clients?

- When organizations have filed accessibility reports, individuals can request copies
- Through AODA Contact Centre/ ServiceOntario phone line individuals can report to Ministry when they believe organizations have failed to comply

Next Steps for Clinics

- Evaluate whether existing policies, practices and procedures satisfy requirements of CSS
- Develop new policies, practices and procedures as required
- Provide training to staff, volunteers and others as needed and required

More Information and Resources

- Information about AODA, CSS available on Ministry of Community and Social Services website:
www.mcscs.gov.on.ca/en/mcss/programs/accessibility/ComplyingStandards/index.aspx
- Ministry's website AccessON includes materials to assist organizations to comply with CSS such as videos and compliance manuals

More Information and Resources

- ARCH can make our relevant policies available to assist other clinics to develop their policies
- Consider obtaining ILA to ensure compliance
- Contact the Accessibility Directorate for information

Accessible Built Environment Standard

- Government has received public consultation and Standard has been submitted to MCSS for consideration as law.
- If the Standard becomes law in Ontario, the Standard is to be used to identify, remove and prevent barriers to accessibility in built environments.
- Would apply to all new construction and extensive renovations to the existing built environment.

Accessible Built Environment Standard (Proposed)

➤ For each building element (e.g., doors and doorways, meeting rooms, halls, lighting, signage etc), there are technical requirements. The technical requirements explain how to make an element accessible for people with disabilities; for example, the minimum width of a building doorway so that a wheelchair or scooter can move through it.

Integrated Accessibility Standard

- Originally Standards Development Committees developed separate accessibility standards for **Employment, Information and Communication, and Transportation**
- Integrated Accessibility Standard to replace all 3 came into effect in June 2011

Integrated Accessibility Standard

➤ MCSS attempting to harmonize certain elements of the standards such as which types of organizations must comply, time lines, training, compliance, enforcement and reporting

Integrated Accessibility Standard

➤ Integrated Standard outlines some requirements for compliance under each of the previously proposed standards:

- Employment
- Information and Communication
- Transportation

Integrated Accessibility Standard

- Most requirements under the Integrated Standard now only apply to government organizations and private and not-for-profit organizations that have **more than 50** employees (unlike Customer Service Standard that exempts those with fewer than 20 employees from some requirements)

Integrated Accessibility Standard

Accessible Formats and Communication Supports

- Information that is not available on an accessible website must be provided in accessible formats and communication supports must be provided, upon request
 - In a manner that takes into account the person's disability
 - At a cost that is no more than the regular cost charged to other persons

Integrated Accessibility Standard

Accessible Formats and Communication Supports

- Every obligated organization will be required to notify its employees and the public about the availability of accessible formats and communication supports

- Websites are to meet some specific industry and international accessibility standards

Integrated Accessibility Standard

Accessible Employment Requirements

Requirements for employment prescribe how organizations provide accessibility for people with disabilities across all stages of employment, including:

- Recruitment
- Accommodation in job
- Return to work plans
- Performance management
- Career Development

Legal Clinics must comply by January 2015

Does not apply to volunteers

Integrated Accessibility Standard

Transportation

- Most operators of transportation services are required to comply with the standard with the exception of:
 - Voluntary or faith-based transportation
 - Federally regulated transportation
 - Emergency response vehicles
 - Amusement park rides

Integrated Accessibility Standard

Transportation

Requirements are to ensure that barriers in accessing transportation services are identified and removed:

- Operator Responsibilities
- Training
- Availability of Accessibility Equipment and Features
- Equal Fares and Fees
- Treatment of Support Persons

How will Government Enforce Accessibility Standards?

- Several ways in which government can enforce:
 - Self-monitoring and self-reporting
 - Persons, organizations covered by CSS of more than 20 employees must file accessibility reports annually
 - Self-reporting will likely be required under the Built Environment and Integrated Accessibility Standards, but organizations under 50 employees will be exempt

How will Government Enforce Accessibility Standards?

- AODA requires appointment of inspectors
- Not yet clear how many inspectors will be appointment and how often or who they will inspect
 - Directors can order compliance with a standard, file accessibility reports or pay administrative penalties
- Order can be appealed to Licence Appeal Tribunal

How will Government Enforce Accessibility Standards?

- Government can use all these ways to ensure persons, organizations comply with accessibility standards, but emphasis appears to be on self-monitoring and self-reporting

Thank-you!

Questions?